

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:

Case No. 14-35006-SVK-7
(Chapter 7)

OJIBWA READY MIX, L.P.

Debtor

**SECOND AMENDED NOTICE OF MOTION BY TRUSTEE FOR AUTHORITY TO
SELL PROPERTY OF THE ESTATE PURSUANT TO 11 U.S.C. §363(b)&(f) AT
PUBLIC SALE, BY CONSIGNMENT AND TO PAY CONSIGNEE FEES AND
VEHICLE MOVING, TOWING, STORAGE AND REPAIR COSTS UPON SALE OR IN
THE ALTERNATIVE TO SELL TO CASH BUYER FOR NO LESS THAN \$8,000**

Douglas F. Mann, the Trustee in this case, has filed a Motion for an order granting the Trustee authority to sell property of the Estate by public sale and to pay consignment fees and vehicle, moving, towing, storage and repair costs, pursuant to Section 363(b) & (f) of the Bankruptcy Code, as described below. The Motion may be viewed at the Office of the Clerk of the United States Bankruptcy Court, Eastern District of Wisconsin, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, or you may obtain a copy of the Motion by contacting the Trustee.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in the bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Trustee's motion to sell estate property pursuant to Section 363(b) & (f), or if you want the court to consider your views on the motion, then on or before February 26, 2015, you or your attorney must:

1. File with the court a written objection to the sale and a request for a hearing at:

Clerk, U. S. Bankruptcy Court
Room 126, Federal Courthouse
517 E. Wisconsin Avenue
Milwaukee, WI 53202

2. If you mail your request to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

3. You must also mail a copy to:
Office of the U. S. Trustee
517 E. Wisconsin Ave., Rm. 430
Milwaukee, WI 53202
Douglas F. Mann
Chapter 7 Trustee
740 N. Plankinton Ave., #210
Milwaukee, WI 53203

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

1. Trustee repeats and re-alleges the previous motions on file.
2. On February 9, 2015 Trustee received an offer to sell for cash the (4) trucks for a total of \$21,000. They would be sold as is where is with buyer to assume all risk of possession and any rental charges against the property. The buyer is Mike Faylor of CDS Mixers and Parts, LLC of Plymouth, Indiana.
3. Based upon the previous motions filed in this case Trustee believes that this is a fair price over and above the appraisal. Trustee will pay from the closers costs an appraisal cost of \$500 for services rendered by Timothy Sweeney of Sweeney's Auction Associates, Inc. previously appointed in this case.
4. Trustee further moves the Court to shorten the time for Notice to (14) days in that the buyer wishes to move promptly on the purchase and the trucks are stored at a location which Trustee can no longer control and/or will incur rental charges or removal demands. If removal demands are made and successfully made the costs will be incurred of an estimated \$7,000 to remove the vehicles from their current location pending a sale.

WHEREFORE, the Trustee requests the Court in the second amended motion enter an order:

1. Approving the sale of the (4) cement mixing trucks to Mike Faylor of CDS Mixers and Parts, LLC of Plymouth, Indiana for the gross sum of \$21,000. Buyer

would pay all applicable sales tax.

2. Sale would be as is where is with no warranties or representations of any kind and will be at their current location on approximately 118th and Hampton Milwaukee, Wisconsin with buyer to assume all risks of moving costs, storage, rental, repairs and the like at the location.
3. For such other and further relief as is necessary.

Date: 2-11-15



Douglas F. Mann, Chapter 7 Trustee
740 N. Plankinton Ave., #210
Milwaukee, WI 53203
(414) 276-5355 (telephone)
(414) 271-1328 (facsimile) cm